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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/006,439	11/20/2001	Paul J. Hepworth	3271.2.1	8128
21552	7590	10/07/2005	EXAMINER	
MADSON & METCALF GATEWAY TOWER WEST SUITE 900 15 WEST SOUTH TEMPLE SALT LAKE CITY, UT 84101			KANG, PAUL H	
			ART UNIT	PAPER NUMBER
			2141	

DATE MAILED: 10/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/006,439

Applicant(s)

HEPWORTH ET AL

Examiner

Paul H. Kang

Art Unit

2141

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 24 March 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-98 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-98 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 October 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date See Attached.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

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## **DETAILED ACTION**

### ***Information Disclosure Statement***

1. The information disclosure statement (IDS) submitted on the dates listed below are in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statements filed on the following dates were considered by the examiner:

May 13, 2002;

July 15, 2002;

December 27, 2002;

October 27, 2003;

February 14, 2005; and

March 24, 2005.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

3. Claims 1-98 are rejected under 35 U.S.C. 102(a) as being anticipated by Call, U.S. Patent No. 6,154,738.

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4. As to claims 1 and 13, Call teaches a system, computer system, computer readable medium, a method, and a driver for providing data from a graphical code reading device to a software module (Call, col. 1, line 34 – col. 3, line 21), the system comprising:

a graphical code reading device that scans a graphical code and provides graphical code data (Call, col. 1, line 60 – col. 2, line 3); and

a computer in electronic communication with the graphical code reading device that receives the graphical code data from the graphical code reading device (Call, col. 1, line 60 – col. 2, line 3 and col. 5, line 29 – col. 7, line 38 and col. 10, line 25 – col. 11, line 28);

the computer comprising:

a processor; a memory in electronic communication with the processor;

a communications port in electronic communication with the processor for communicating with the graphical code reading device (Call, col. 1, line 34 – col. 3, line 21);

an association including a data type and a software module identifier/browser extension; and

a driver that receives the graphical code data and obtains the software module identifier/browser extension through use of the data type and provides the graphical code data to the software module identified by the software module identifier/browser extension (Call employs the use of XML; See Call, col. 5, line 29 – col. 7, line 38 and col. 10, line 48 – col. 11, line 28).

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5. As to claims 2-4 and 14-16, Call teaches the system wherein the association is included in an association list, wherein the association list is created statically or dynamically (The product code translator references the scanned barcode information to associated XML based webpage information; Call, col. 5, line 29 – col. 7, line 38 and col. 10, line 48 – col. 11, line 28).

6. As to claims 5-8 and 17-18 and 20-21, Call teaches a server module that implements a method comprising: receiving the code data, determining a data type of the graphical code data, obtaining the software module identifier/browser extension from the association through use of the data type, launching the software module identified by the software module identifier/browser extension if the software module is not running, and providing the graphical code data to a client module of the software module, wherein the graphical code is obtained from the symbolic graphics or the content of the graphics (Upon scanning the graphical code, the information obtained is associated with relevant XML data field to obtain for the user the appropriate webpage/product information; Call, col. 5, line 29 – col. 7, line 38 and col. 10, line 48 – col. 11, line 28).

7. As to claims 9-12, 19 and 22-24, Call teaches the graphical code data having a plurality of data fields including a data type identifier wherein the association is included in an association list comprising a plurality of data types and a plurality of software module identifier/browser extension (Call, col. 5, line 29 – col. 7, line 38 and col. 10, line 48 – col. 11, line 28).

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8. Claims 25-98 recite an apparatus and method which is a combination of the method and system of claims 1-24. Therefore, claims 25-98 are rejected under the same rationale.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paul H. Kang whose telephone number is (571) 272-3882. The examiner can normally be reached on 9 hour flex. First Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal Dharia can be reached on (571) 272-3880. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
**PAUL H. KANG**  
**PRIMARY PATENT EXAMINER**